

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re)
) Case No. _____
)
) Notice of Motion for Hardship Discharge and
) Statement re 11 USC §522(q)(1) Applicability;
) Fixing Times for Filing Objections, Complaints,
Debtor(s)) and Motions; **and Order and Notice Thereon**

The undersigned, who is the debtor's attorney (or debtor, if no attorney), and whose name, address and phone number are: _____

certifies that the debtor(s) has not completed payments under the plan, but instead filed the attached motion for a "hardship" discharge under either 11 USC §1328(b) if a Chapter 13 case, 11 USC §1228(b) if a Chapter 12 case or 11 USC §1141(d)(5) if a Chapter 11 case, supported by affidavit(s)/declaration(s) under penalty of perjury, executed by the debtor(s), and demonstrating that the debtor's failure to complete the plan payments is due to circumstances for which the debtor(s) should not justly be held accountable, unsecured creditors have received payments that equal or exceed the total payments which they would have received in a Chapter 7 liquidation, and modification of the plan is not practicable. The undersigned also certifies that there IS IS NOT (Check **ONE**) a pending proceeding in which a/the debtor(s) may be found guilty of a felony or liable for a debt of a kind described in 11 USC §522(q)(1).

DATE: _____

Signature SSN (last 4 digits)/Tax I.D. # (if debtor) OSB# (if atty.)

NOTICE IS GIVEN THAT THE APPLICABLE SECTION CHECKED BELOW BY THE JUDGE, AFTER REVIEWING DEBTOR'S MOTION AND AFFIDAVIT(S)/DECLARATION(S), SHALL APPLY [NOTE: The debtor bears the burden of serving this document and proving that the debtor meets the requirements for a hardship discharge regardless of the selection indicated below]:

a. The Court may enter a hardship discharge unless, within 30 days of the service date below, BOTH: (1) a written objection to the debtor's motion for a hardship discharge is filed with the Clerk of Court (i.e., if the 5-digit portion of the Case No. begins with "3" or "4", mail to 1001 SW 5th Ave. #700, Portland OR 97204; OR if it begins with "6" or "7", mail to PO Box 1335, Eugene OR 97440), AND (2) a copy is served on the party named above.

b. A hearing will be held on the motion **ON** _____ **AT** _____ **IN** _____,
and testimony may be received.

IT IS ORDERED AND NOTICE IS GIVEN THAT:

1. If this is a Chapter 13 case, complaints to determine the dischargeability of any debts under clause (6) of 11 USC §523(a) must be filed within 30 days of the service date below. If no complaint is timely filed, such debts may be discharged.

2. If an interested party wishes to file a motion for the court to not enter a discharge because the debtor(s) indicated there is a pending proceeding for which the debtor(s) may be found guilty of a felony or liable for a debt of a kind described in 11 USC §522(q)(1), the interested party SHALL, WITHIN 30 DAYS OF THE SERVICE DATE SHOWN BELOW, FILE a written motion with the Clerk of Court (i.e., if the 5-digit portion of the Case No. Begins with "3" OR "4", mail to 1001 SW 5TH Ave. #700, Portland OR 97204; OR if it begins with "6" OR "7", mail to PO Box 1335, Eugene OR 97440) INCLUDING a completed Certificate of Service on the debtor(s), any trustee, U.S. Trustee, and their respective attorneys.

U.S. Bankruptcy Judge

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STOP: BEFORE SERVING COPIES, FILE, WITH A S.A.S.E., TO OBTAIN JUDGE'S SIGNATURE!

On _____ copies of this Notice, the debtor's motion and affidavit(s)/declaration(s) were served on the debtor(s), trustee, U.S. Trustee and all creditors.

Debtor's Attorney (or debtor, if no attorney)

NOTE: IMMEDIATELY FILE *THIS ORIGINAL ORDER, INCLUDING ALL ATTACHMENTS, AFTER SERVICE!*